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Attorney for Republic Services, Inc.

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEVADA**

NEVADA ASSOCIATION SERVICES, Inc., a)	CASE NO. 2:13-cv-01386-RCJ-CWH
Nevada corporation,)	
)	
Plaintiff,)	
)	
vs.)	
)	
RODNEY J. YANKE, an individual; CITY OF)	
LAS VEGAS, a public entity in the State of)	
Nevada; WASHINGTON MUTUAL BANK, FA,)	
a business entity form and state of registration)	
unknown; CALIFORNIA RECONVEYANCE)	
COMPANY, a foreign corporation doing business)	
in Nevada; REPUBLIC SERVICES, INC., a)	
foreign corporation doing business in Nevada;)	
KATHY CLAY YANKE, an individual; REAL)	
EQUITY PURSUIT, LLC, a limited liability)	
company whose state of registration is unknown but)	
doing business in Nevada; THE ESTATES AT)	
SEVEN HILLS OWNERS ASSOCIATION, a)	
Nevada non-profit corporation; UNITED STATES)	
OF AMEIRCA (INTERNAL REVENUE)	
SERVICE, a public entity; and DOES 1-25,)	
inclusive,)	
)	
Defendants.)	

REPUBLIC SERVICES, INC.'S SECOND MOTION TO DISTRIBUTE PROCEEDS

COMES NOW, Defendant, REPUBLIC SERVICES, INC. ("Republic"), by and through its attorney of record, WILLIAMS & ASSOCIATES, Donald H. Williams, Esq., and hereby moves the Court again for a distribution of the proceeds posted by Plaintiff on or

1 about May 28, 2014. This Motion is based on the following Points and Authorities, the
2 exhibits contained herein, all papers and pleadings on file with the court and any argument
3 presented by counsel at the time of hearing on this matter.

4 DATED this 5 day of June, 2014.

5 WILLIAMS & ASSOCIATES

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8 State Bar No. 5548
9 612 South Tenth Street
10 Las Vegas, Nevada 89101
11 *Attorney for Republic Services, Inc.*

12 **POINTS AND AUTHORITIES**

13 On or about May 28, 2014, a certificate of cash deposit was filed with this court
14 depositing \$40,942.85. It is Republic's information and belief that the United States is
15 claiming \$22,215.67, plus interest from August 2013 to the present. Republic is claiming
16 \$4,796.46 as of the filing of its Motion. The City of Las Vegas filed a Motion and received
17 \$361.75. That leaves over \$13,000.00 in unclaimed funds, which can be used to satisfy
18 additional interest claimed by United States.

19 Republic properly recorded its lien. Pursuant to NRS 444.523(3) Republic's liens are
20 superior to all other liens and are not extinguished by foreclosure:

21 "Until paid, any fee or charge levied pursuant to subsection 1
22 constitutes a perpetual lien against the property served, superior to all
23 liens, claims and titles other than liens for general taxes and special
24 assessments. The lien is not extinguished by the sale of any property
25 on account of nonpayment of any other lien, claim or title, except liens
26 for general taxes and special assessments."

27 Wherefore, Republic respectfully requests that the Court distribute the proceeds of the
28 posted funds with Republic receiving its total amount due \$4,796.46. Further, Republic

...

...

1 requests upon Order from this court that subsequent to receiving it's money Republic be
2 dismissed from the instant lawsuit.

3 Respectfully submitted this 5 day of June, 2014.

4 WILLIAMS & ASSOCIATES

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6 DONALD H. WILLIAMS, ESQ.

7 State Bar No. 5548

8 612 South Tenth Street

9 Las Vegas, Nevada 89101

10 *Attorney for Republic Services, Inc.*

11 **CERTIFICATE OF MAILING**

12 Pursuant to NRCP 5 (b), I certify that I am an employee of Williams & Associates,
13 and that on the 10th day of January, 2014, I deposited for mailing at Las Vegas, Nevada a
14 true copy of the foregoing **REPUBLIC SERVICES, INC.'S SECOND MOTION TO**
15 **DISTRIBUTE PROCEEDS** in the above matter, as addressed as follows:

16 Richard Vilkin, Esq.
17 LAW OFFICES OF RICHARD VILKIN, PC
18 1286 Crimson Sage Ave.
19 Henderson, Nevada 89012
20 *Attorney for Plaintiff*

21 Lindsey L. Clayton, Esq.
22 U.S. DEPARTMENT OF JUSTICE
23 P.O. Box 683
24 Ben Franklin Station
25 Washington, DC 20044
26 *Attorney for the United States*

27 Jack O. Eslinger, Deputy
28 CITY ATTORNEY
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Attorney for City of Las Vegas

Rodney Yanke
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Employee of WILLIAMS & ASSOCIATES